

1
2
3
4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT TACOMA

7 MICHAEL DENTON,

8 Plaintiff,

9 v.

10 SHERIFF PASTOR, individually and in
his official capacity, et. al.,

11 Defendants.

CASE NO. 3:16-cv-05314-RJB

ORDER REVOKING IN FORMA
PAUPERIS STATUS

12 THIS MATTER comes before the Court on the Ninth Circuit Court of Appeal's Referral
13 Notice. Dkt. 256. The Court has reviewed the relevant pleadings, the record, and is fully advised.

14 On October 19, 2018, this case was dismissed pursuant to Fed. R. Civ. P. 41 (b) and
15 Local Rule of the Western District of Washington 11(c) as a sanction for Plaintiff's failure to
16 comply with the rules and orders of the Court, failure to cooperate with the Court and defense
17 counsel to prepare for trial, and failure to attend the Pretrial Conference without good cause.

18 On November 19, 2018, the Plaintiff filed a Notice of Appeal. Dkt. 254.

19 The Ninth Circuit referred this case for the "limited purpose of determining whether in
20 forma pauperis status should continue for this appeal or whether the appeal is frivolous or taken
21 in bad faith." Dkt. 256 (*citing* 28 U.S.C. § 1915(a)(3); and *Hooker v. American Airlines*, 302
22 F.3d 1091, 1092 (9th Cir. 2002)).

23 Plaintiff's appeal is frivolous, so his *in forma pauperis* status should be revoked without
24 prejudice. Plaintiff has not shown that he is likely to succeed on the merits.

ORDER

It is **ORDERED** that, in accord with the Ninth Circuit Court of Appeal's Referral Notice (Dkt. 256) Plaintiff's *in forma pauperis* status **IS REVOKED without prejudice** for purposes of Plaintiff's appeal, which is frivolous.

Other than pleadings directed to the Court by the Ninth Circuit Court of Appeal, all future filings in this case in the future will be docketed by the Clerk but will not be acted upon by the Court.

The Clerk is directed to send uncertified copies of this Order to all counsel of record and to any party appearing *pro se* at said party's last known address.

Dated this 7th day of December, 2018.

A handwritten signature in black ink, reading "Robert J. Bryan", written over a horizontal line.

ROBERT J. BRYAN
United States District Judge